

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
)
ODDCAST INC.)

)
Plaintiff,)

)
v.)

)
FOUNDATION J GLOBAL)
ENTERPRISES, LLC)

)
Defendant.)
-----X

Case No. 08-cv-02808 (JSR)

CLERKS'S CERTIFICATE

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on March 17, 2008 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant by serving FOUNDATION J. GLOBAL ENTERPRISES, LLC, which is incorporated in the state of Louisiana, through the Louisiana Secretary of State, and proof of such service thereof was filed on April 11, 2008.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: New York, New York

MAY 29, 2008

J. MICHAEL MCMAHON
Clerk of the Court

By: 

Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

| | | |
|---------------------|---|-----------------------------------|
| -----X |) | |
| ODDCAST INC. |) | |
| |) | Case No. 08-cv-02808 (JSR) |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>AFFIDAVIT FOR</u> |
| |) | <u>JUDGMENT BY DEFAULT</u> |
| FOUNDATION J GLOBAL |) | |
| ENTERPRISES, LLC |) | |
| |) | |
| Defendant. |) | |
| -----X | X | |

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)
 ss:

Nathaniel B. Buchek, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am associated with the firm of Pearl Cohen Zedek Latzer LLP, attorneys for plaintiff in the above-entitled action and I am familiar with the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.
3. This is an action to recover fees owed by defendant to plaintiff pursuant to a license agreement entered into between the parties.
4. Jurisdiction of the subject matter of this action is based on 28 U.S.C. § 1332, a complete diversity between the parties and an amount in controversy that exceeds the sum of \$75,000 exclusive of interest and costs.

5. This action was commenced on March 17, 2008 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendant on April 8, 2008 by personal service on the Louisiana Secretary of State, 8549 United Plaza, Baton Rouge, LA and proof of service by the Special Process Server was filed. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

6. This action seeks judgment for the liquidate amount of \$105,000, plus interest at 8.5% from March 17, 2008, for a total as of June 4, 2008 of \$106,950.82, as shown by the annexed Statement, which is due and owing, and no part of which has been paid.

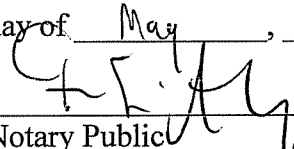
7. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

8. Defendant is a corporation and not an individual.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: New York, New York

May 27, 2008


Sworn to before me this 27th
day of May, 2008


Notary Public

Francine L. Alfandary
Notary Public - State of New York
No. 02AL5078482
Qualified in New York County
My Commission Expires May 27, 2011

PEARL COHEN ZEDEK LATZER, LLP

By:



Lee A. Goldberg (LG-9423)
Nathaniel B. Buchek (NB-0246)
1500 Broadway, 12th Floor
New York, NY 10036
Tel: (646)878-0800
Fax: (646)878-0801

Attorneys for Plaintiff
Oddcast Inc.

Total Payments for Case Reference: 08-cv-02808

Payment Due Under Subject License Agreement

| <u>Date</u> | <u>Actual Balance</u> | <u>Expected Payment</u> | <u>Actual Payment</u> |
|--------------------|------------------------------|--------------------------------|------------------------------|
| 09/01/2007 | \$15,000 | \$0 | \$0 |
| 10/01/2007 | \$30,000 | \$0 | \$0 |
| 11/01/2007 | \$45,000 | \$0 | \$0 |
| 12/01/2007 | \$60,000 | \$0 | \$0 |
| 01/01/2008 | \$75,000 | \$25,000 | \$0 |
| 02/01/2008 | \$90,000 | \$25,000 | \$0 |
| 03/01/2008 | \$105,000 | \$55,000 | \$0 |

Interest Calculations for Period from March 18, 2008 to June 4, 2008

Results of Calculations using Principal of \$105,000.00

03/18/2008 - 06/04/2008: 79 days @ \$24.39/daily @ 8.500%/year

For a total of \$ 1,926.43

TOTAL (Including Interest): \$106,950.82

Costs and Disbursements: \$925.00 (Service of Process)

TOTAL (Including Interest, and Costs and Disbursements): \$107,875.82